



63-15-05

EV586234817US

#38

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as express mail under Express Mail Label No. EV 586234817 US in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below

Date: March 14, 2005

By: Jennifer Archer
Jennifer Archer

RECEIVED

MAR 18 2005

TC 1700

Docket No. 100717-331 / Bayer 10,168.3-KGB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Peter JAHN
SERIAL NO. : 09/275,534
CUSTOMER NO. : 27384
FILED : March 24, 1999
FOR : STATIC MIXER MODULE
ART UNIT : 1723
EXAMINER : David L. Sorkin

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

The above-identified application is apparently held abandoned for failure to pay the issue fee. The holding is in error as a Notice of Allowance was never mailed to Applicants. Therefore, Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment.

Applicants received a Notice of Allowability and Examiner's Reason for Allowance which was mailed on July 1, 2004. Applicants thereafter expected to receive

the official Notice of Allowance in due course. Accordingly, the application was docketed for receipt of the Notice of Allowance.

Attached as Exhibit 1 is a copy of the Docket Sheet which shows the actions of NM CU3 dated August 24, 2004 and NM CU4 dated September 1, 2004. NM indicates the person who is responsible for the action and CU3 means a call up for further action and a CU4 is a call up for Notice of Allowance. (A copy of the docket codes is also attached.)

If the Notice of Allowance had been received in the offices of the undersigned, it would have been noted on the docket sheet. It should be clear from Exhibit 1 that the Notice of Allowance was not received in the offices of the undersigned.

Further, it does not appear that the Notice of Allowance was even mailed by the Patent Office. A review of PAIR shows that the Examiner's Amendment was mailed on July 1, 2004, but it does not indicate that a Notice of Allowance was thereafter mailed prior to the mailing of the Notice of Abandonment for Failure to Pay Issue Fee.

In view of the foregoing, Applicants submit that they have established that the Notice of Allowance was not received in the offices of the undersigned, and, therefore, never received by Applicants. Therefore, Applicants respectfully request that the Commissioner exercise his authority and withdraw the holding of abandonment, re-mail the Notice of Allowance, and reset the period for response to start with the re-mail date.

Applicants respectfully request that the Notice of Allowance be mailed showing the difference in the amount due as \$1400.00 which is the current fee due minus

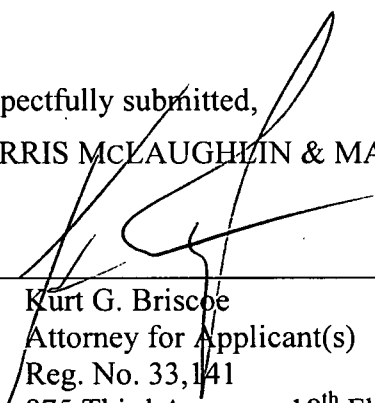
\$1300.00 which was previously paid along with the publication fee on November 25, 2004, for a total fee due of \$100.00.

No fee is believed to be due for consideration of this petition. However, should the Commissioner determine that a fee is, in fact, due, he is hereby authorized to charge the fee deemed to be due to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By



Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844

Country Application

Tuesday, January 25, 2005

Page: 1

Case Number: 00717 331

Country: US

SubCase: R3

Client: Bayer AG

United States of America

Case Type: RCE

Application Status: Pending

Application Number: 09/275534

Filing Date: 24-Nov-2003

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date : 24-Mar-1999

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #: 9884

Patent Term Adjustment: 0

Agent: NMM

Agent Reference #: NY

Norris McLaughlin & Marcus

Remarks: Bayer 10168.3

RCE APPL,INFO MLD-11/24/03

REQ W/D ALLOW-REQ INTERF FAXED KGB-2/24/04

NOT SUITABLE FOR INTERF WITH STREIFF US 6,394,644-7/1/04

List Of Actions

Action(s) Due	Due Date	Action Taken
Application Status Check	24-Sep-2000	Due Date 02-Feb-2002
WCG BASE FEE	06-Apr-2004	Due Date 24-Feb-2004
NM CU1	24-May-2004	Due Date 06-Jan-2004
NM CU3	24-Aug-2004	Due Date 01-Jul-2004
NM CU4	01-Sep-2004	Due Date 13-Jan-2005
PETITION RE ABD 1MO	13-Feb-2005	Reminder
PETITION RE ABD	13-Mar-2005	Final
Application Status Check	24-May-2005	Due Date 02-Feb-2002

User ID: nanci**Date Created:** 25-Nov-2003**Last Update:** 09-Jul-2004

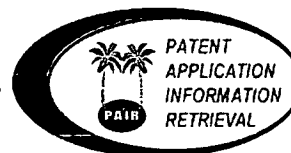
ActionType	ActionDue	Yr	Mo	Dy	Indicator
NATIONAL PHASE	CHAPTER II FINAL	0	19	0	Due Date
NATIONAL PHASE	NATIONAL PHASE (I) FINAL	0	20	0	Due Date
NATIONAL PHASE	NATIONAL PHASE 6MO	2	0	0	Reminder
NATIONAL PHASE	NATIONAL PHASE 2MO	2	4	0	Reminder
NATIONAL PHASE	NATIONAL PHASE 1MO	2	5	0	Reminder
NATIONAL PHASE	NATIONAL PHASE FINAL	2	6	0	Due Date
NEW APPL	PRIORITY	0	0	0	Due Date
NM CU1	NM CU1 <i>FILING RECEIPT</i>	0	6	0	Due Date
NM CU2	NM CU2 <i>FIRST ACTION</i>	0	15	0	Due Date
NM CU3	NM CU3 <i>FURTHER ACTION</i>	0	6	0	Due Date
NM CU4	NM CU4 <i>NOTICE ALLOWANCE</i>	0	2	0	Due Date
NM CU5	NM CU5 <i>ISSUE FEE RECEIPT</i>	0	6	0	Due Date
NM CU6	NM CU6 <i>PATENT DEED</i>	0	1	0	Due Date
NM CU7	NM CU7 <i>CERTIFICATE CORRECT</i>	0	1	0	Due Date
NM PC ?	NM PC ? <i>RETURN POSTCARD</i>	0	1	0	Due Date
NON COMPLY(EXT)	RESPONSE	0	1	0	Due Date
NON COMPLY(EXT)	RESPONSE & 1ST	0	2	0	Due Date
NON COMPLY(EXT)	RESPONSE & 2ND	0	3	0	Due Date
NON COMPLY(EXT)	RESPONSE & 3RD	0	4	0	Due Date
NON COMPLY(EXT)	RESPONSE & 4TH	0	5	0	Due Date
NON COMPLY(EXT)	RESPONSE & 5TH	0	6	0	Final
NON COMPLY(NO)	RESPONSE	0	1	0	Final
NOTICE HEARING	CONFIRM HEARING	0	0	21	Due Date
NOTICE HEARING	HEARING	0	1	0	Due Date



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PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 1-25-2005::12:57:16 E.T.

Search results for application number: 09/275,534			
Application Number:	09/275,534	Customer Number:	27386
Filing or 371(c) Date:	03-24-1999	Status:	Abandoned -- Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	01-13-2005
Examiner Name:	SORKIN, DAVID L	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	1723	Location Date:	01-19-2005
Confirmation Number:	9884	Earliest Publication No:	US 2001-0053108 A1
Attorney Docket Number:	BAYER10.168W	Earliest Publication Date:	12-20-2001
Class/ Sub-Class:	366/340	Patent Number:	-
First Named Inventor:	PETER JAHN, LEVERKUSEN, (DE)	Issue Date of Patent:	-
Title Of Invention:	STATIC MIXER MODULE		

Search Options

Assignments
Foreign Priority
Image File Wrapper
Patent Term Adjustment History

File History	
Date	Contents Description
01-13-2005	Mail Abandonment for Failure to Pay Issue Fee
01-13-2005	Abandonment for Failure to Pay Issue Fee
11-03-2004	Receipt into Pubs
11-03-2004	Workflow - Query Request - Finish
10-25-2004	Dispatch to Publications
09-17-2004	Correspondence Address Change
08-03-2004	Receipt into Pubs
07-30-2004	Workflow - Query Request - Begin
04-27-1999	Workflow - Drawings Finished
04-27-1999	Workflow - Drawings Matched with File at Contractor
07-12-2004	Receipt into Pubs
07-01-2004	Mail Examiner's Amendment

06-22-2004	Examiner's Amendment Communication
04-27-1999	Workflow - Drawings Finished
04-27-1999	Workflow - Drawings Matched with File at Contractor
03-29-2004	Receipt into Pubs
03-24-2004	Dispatch to Publications
01-06-2004	Mail Notice of Allowance
01-06-2004	Mail Formal Drawings Required
01-06-2004	Formal Drawings Required
01-06-2004	Notice of Allowance Data Verification Completed
12-24-2003	Notice of Allowability
02-18-2004	Date Forwarded to Examiner
02-18-2004	to Close the A/R Record and Reset the Status for Expired Suspensions.
02-17-2004	Mail Letter Suspending Prosecution at Applicant's Request
02-13-2004	Letter of Suspension - Applicant Initiated
11-24-2003	Information Disclosure Statement (IDS) Filed
12-23-2003	Date Forwarded to Examiner
11-24-2003	Request for Continued Examination (RCE)
12-23-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
11-24-2003	Workflow - Request for RCE - Finish
11-24-2003	Workflow - Request for RCE - Begin
11-25-2003	Receipt into Pubs
11-24-2003	Issue Fee Payment Recorded
10-30-2003	Receipt into Pubs
10-30-2003	Workflow - Query Request - Finish
10-28-2003	Receipt into Pubs
10-28-2003	Workflow - Query Request - Finish
09-25-2003	Receipt into Pubs
09-24-2003	Workflow - Query Request - Begin
09-03-2003	Workflow - File Sent to Contractor
09-02-2003	Receipt into Pubs
08-25-2003	Mail Notice of Allowance
08-25-2003	Mail Formal Drawings Required
08-25-2003	Formal Drawings Required
08-25-2003	Notice of Allowance Data Verification Completed
08-25-2003	Notice of Allowability
06-10-2003	Date Forwarded to Examiner
06-10-2003	Date Forwarded to Examiner
06-03-2003	Request for Continued Examination (RCE)
06-10-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
06-03-2003	Request for Extension of Time - Granted
06-03-2003	Workflow - Request for RCE - Begin
12-04-2002	Notice of Appeal Filed
12-04-2002	Request for Extension of Time - Granted

06-06-2002	Mail Final Rejection (PTOL - 326)
06-03-2002	Final Rejection
03-25-2002	Date Forwarded to Examiner
03-21-2002	Supplemental Response
02-07-2002	Date Forwarded to Examiner
01-30-2002	Response after Non-Final Action
01-30-2002	Request for Extension of Time - Granted
07-30-2001	Mail Non-Final Rejection
07-27-2001	Non-Final Rejection
06-05-2001	Date Forwarded to Examiner
05-31-2001	Continuing Prosecution Application - Continuation (ACPA)
05-31-2001	Mail Express Abandonment (During Examination)
05-31-2001	Express Abandonment (during Examination)
05-31-2001	Workflow - Request for CPA - Finish
05-31-2001	Workflow - Request for CPA - Begin
05-02-2001	Mail Advisory Action (PTOL - 303)
05-02-2001	Advisory Action (PTOL-303)
04-24-2001	Correspondence Address Change
04-10-2001	Amendment/Argument after Notice of Appeal
04-10-2001	Notice of Appeal Filed
04-10-2001	Request for Extension of Time - Granted
10-10-2000	Mail Final Rejection (PTOL - 326)
10-10-2000	Final Rejection
08-22-2000	Date Forwarded to Examiner
08-15-2000	Response after Non-Final Action
08-15-2000	Request for Extension of Time - Granted
06-26-2000	Information Disclosure Statement (IDS) Filed
07-07-2000	Correspondence Address Change
02-03-2000	Mail Non-Final Rejection
01-31-2000	Non-Final Rejection
01-11-2000	Case Docketed to Examiner in GAU
04-27-1999	New or Additional Drawing Filed
06-03-1999	Information Disclosure Statement (IDS) Filed
06-07-1999	Case Docketed to Examiner in GAU
03-24-1999	Request for Foreign Priority (Priority Papers May Be Included)
03-24-1999	Preliminary Amendment
04-19-1999	Application Dispatched from OIPE
04-12-1999	IFW Scan & PACR Auto Security Review
03-30-1999	Initial Exam Team nn



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Return To:

USPTO
Home
Page

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Page

Deposit Account Statement

Requested Statement Month: November 2003
Deposit Account Number: 141263
Name: NORRIS, MCLAUGHLIN & MARCUS
Attention: WILLIAM R. ROBINSON
Address: P.O. BOX 1018
City: SOMERVILLE
State: NJ
Zip: 08876-1018

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/03	23	10031256	100861-1/SEN	2501	\$665.00	\$47,54
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11/06	3	10450333	K & W 358-WCG WW 5597 US	2617	-\$65.00	\$39,36

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11/25 8 09788206	905-089NP	1460	-\$130.00	\$61,93
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11/25 105 29194171	102792-130	1002	\$340.00	\$58,91
11/25 146 78332304	102363-001B	7001	\$670.00	\$58,31
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11/25 205 10477659	TESA 1619-WCG	1615	\$90.00	\$55,84
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11/25 212 10477657	TESA 1616-WCG	1613	\$920.00	\$54,00
11/25 213 10477657	TESA 1616-WCG	1615	\$216.00	\$53,79
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BALANCE	CHARGES	REPLENISH	BALANCE	
\$48,213.00	\$82,053.00	\$83,011.00	\$49,171.00	

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